FILED
JUN 20 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA Plaintiff, v. Jose Alberto VILLASENOR Defendant.	)	Magistrate Case No.: **08MJ8554** COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony) **"AMENDED"**

The undersigned complainant being duly sworn states:

That on or about June 18, 2008, within the Southern District of California, defendant Jose Alberto VILLASENOR did knowingly and intentionally import approximately 16.98 kilograms (37.36 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

CHAD WORGEN
Special Agent
U. S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20TH DAY OF JUNE 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Jose Alberto VILLASENOR

STATEMENT OF FACTS

The Statement of Facts is being amended to remove from the previously submitted Statement of Facts (line 12) "conducting enforcement operations" to driving in the vicity of the Calexico, CA West Port of Entry. Also included is an additional paragraph starting on line 13 to 19.

This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Chad N. Worgen.

On June 18, 2008, at approximately 0856 hours, Jose Alberto VILLASENOR (VILLASENOR) entered the United States at the Calexico, CA West Port of Entry driving a 2002 Chrysler PT Cruiser. VILLASENOR and the vehicle were referred to secondary inspection. Customs & Border Protection Officers released VILLASENOR and the vehicle after a negative inspection.

On June 18, 2008, at approximately 0930 hours, while driving in the vicinity of the Calexico, California West Port of Entry,U.S. Immigration and Customs Enforcement (ICE) Special Agent(SA) Torregrosa and SA Vensk observed a 2002 Chrysler PT Cruiser (the vehicle) at Imperial Avenue and Second Street in Calexico. SA Torregrosa recognized the vehicle as one, which had been involved in previous suspicious activity at the Port of Entry. When SA Torregrosa saw the vehicle it was facing north, which indicated to SA Torregrosa that the driver had just exited the Port of Entry.

Consequently, SA Torregrosa followed the vehicle. When the vehicle entered El Centro, California, El Centro Police Officers initiated a traffic stop for a violation of the California Vehicle Code. The driver of the vehicle was identified as Jose Alberto VILLASENOR.

A Customs and Border Protection Canine Unit was contacted and responded to the scene of the traffic stop. Canine Enforcement Officer (CEO) S. Barela screened the vehicle with his Narcotics Human Detector Dog (NHDD). The NHDD alerted to the vehicle's rear tire well.

An inspection of the vehicle resulted in the discovery of a non-factory installed compartment located in the rocker panels of the vehicle. In the compartment, a brick-shaped package was discovered. The vehicle was taken to the Calexico West Port of Entry for further inspection.

An intensive inspection resulted in the discovery of a total of fifteen (15) packages located in the passenger side rocker panel and rear driver side quarter panel. SA J. Morquecho probed a package and it produced a white powdery substance that field tested positive for cocaine. The total weight of the packages of cocaine was 16.98 kilograms (37.36 pounds).

VILLASENOR was arrested for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. SA Worgen advised VILLASENOR of his rights per Miranda. SA Torregrosa witnessed the advisement of rights. VILLASENOR stated he understood his rights and was willing to answer questions without the presence of an attorney.

VILLASENOR stated he was asked by an individual named "Javier" to cross the vehicle into the United States from Mexico and register it in VILLASENOR's name. When SA Worgen asked VILLASENOR, "Javier's" last name, VILLASENOR stated he did not know. VILLASENOR stated he had the vehicle in his possession, on and off, for approximately three weeks. VILLASENOR stated he previously drove the vehicle across the United States/Mexico border three or four times, and was told to drive the vehicle in order to become familiar with it. VILLASENOR told the El Centro Police Officers that Daniel Ivan Rodriquez, the registered owner of the vehicle, was his nephew. However, when questioned by SA Worgen, VILLASENOR denied knowing Daniel Ivan Rodriguez.